

Thursday, July 31, 2008

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: ???
Ten "One Minutes" Per Side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 1388 – Rule providing for consideration of H.R. 1338 – the Paycheck Fairness Act (Rep. Slaughter -Rules)**: The structured rule provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education & Labor. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule provides one motion to recommit the bill with or without instructions, Debate on the rule will be managed by Rules Committee Chairwoman Rep. Louise Slaughter, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **H. Res. 1389 – Rule providing for consideration the Conference Report accompanying H.R. 4137 – The Higher Education Opportunity Act (Rep. Matsui -Rules)**: The closed rule provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education & Labor. Debate on the rule will be managed by Rep. Matsui, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **H. Res. 1384 – Rule providing for consideration of H.R. 6599 – The Military construction and Veterans Affairs FY09 Appropriations Bill (Rep. Castor -Rules)**: The open rule with a preprinting requirement provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Appropriations. The rule makes in order only those amendments to the bill that were preprinted in the *Congressional Record* by July 30 or are pro forma amendments for the purpose of debate. The rule provides one motion to recommit the bill with or without instructions, Debate on the rule will be managed by Rep. Castor, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **Conference Report accompanying H.R. 4137 – The Higher Education Opportunity Act (Rep. George Miller –Education & Labor)**: Pursuant to the rule, debate on the bill will be managed by Education & Labor Committee Chairman Rep. George Miller, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes.**

- **H.R. 1338 – the Paycheck Fairness Act (Rep. DeLauro –Education & Labor)**: Pursuant to the rule, debate on the bill will be managed by Education & Labor Committee Chairman Rep. George Miller, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes.**

- **H.R. 6599 – The Military construction and Veterans Affairs FY09 Appropriations Bill (Rep. Edwards (TX)-Appropriations)**: Pursuant to the rule, debate on the bill will be managed by Appropriations Committee Chairman Rep. David Obey, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes.**

Bill Summary and Key Issues

Conference Report accompanying H.R. 4137 – The Higher Education Opportunity Act

Encourage colleges to rein in price increases and provide consumers with helpful information

- Creates a user-friendly website to provide students and families with helpful information, such as tuition prices, graduation rates, and popular majors, when making important education decisions.
- Establishes web-based calculators that would provide students and families with early estimates of their expected college costs, and allow them to estimate the annual and total cost of a college education based on individual colleges and universities.
- Holds colleges and universities accountable for their tuition hikes by requiring them to report their reasons for tuition increases.
- Ensures states maintain higher education funding and encourages colleges to use innovative methods to keep costs down.

Restore integrity and accountability to the student loan programs

- Requires institutions and lenders to adopt strict codes of conduct.
- Provides students with fair and full information about their borrowing options when taking out and repaying student loans, including the terms and conditions of both federal and private student loans; and promotes financial literacy and education for students and parents.
- Protects students from aggressive marketing practices by lenders.

Simplify the federal student aid application process

- Streamlines the Free Application for Federal Student Aid (FAFSA) process, and creates an easy-to-navigate two-page FAFSA-EZ form for low-income families.
- Provides families with extra time to plan for their college expenses.
- Encourages the Department of Education to coordinate with the Internal Revenue Service to use financial information that the government already has.

Make textbook costs more manageable

- Provides students with advance information on textbook pricing to help them plan for expenses before each semester.
- Ensures that colleges and faculty have full textbook pricing information when making purchasing decisions.
- Requires publishers to provide pricing information on “unbundled” versions of every “bundled” textbook they sell.

Expand college access and support for low-income and minority students

- Makes college more affordable for low-income and non-traditional students by allowing students to receive Pell Grant scholarship aid year round.
- Expands funding for graduate student programs at Historically Black Colleges and Universities, Hispanic Serving Institutions, and Predominately Black Institutions.

- Strengthens the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students.

Increase college aid and support for veterans and military families

- Creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans.
- Establishes support centers to help veterans succeed in college and graduate.
- Ensures fairness in student aid and housing aid for veterans to make it easier for them to go to college while also fulfilling their military service duties.

Ensure equal college opportunities for students with disabilities

- Establishes a national center to provide support services and best practices for colleges, students with disabilities, and their families.
- Helps colleges recruit, retain, and graduate students with disabilities and improves education materials and facilities.
- Expands eligibility for Pell Grant scholarships and other need-based aid for students with intellectual disabilities.

Boost campus safety and disaster readiness plans

- Helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and requires the Department of Education to develop and maintain a disaster plan in preparation for emergencies.
- Creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS Program.
- Establishes a disaster relief loan program to help schools recover and rebuild in the event of a disaster.

Encourage colleges to adopt sustainable and energy-efficient practices

- Creates a grant program to help colleges and universities design and implement sustainable practices.
- Convenes the first-ever higher education summit on sustainability to examine how to implement energy-efficient and sustainable practices at institutions of higher education.

Strengthen our workforce and our competitiveness

- Creates programs to bolster students' interest in science, technology and critical foreign languages through collaborations with businesses and other stakeholders.
- Improves teacher training and development programs and focuses on recruiting teachers into high demand science and technology fields.
- Encourages students to enter vital public service jobs by authorizing up to \$10,000 in loan forgiveness for public defenders, prosecutors, firefighters, military service members, first responders, law enforcement officers, educators, nurses, and others serving the public interest.

H.R. 1338: The Paycheck Fairness Act

The Paycheck Fairness Act, H.R. 1338, makes modest common sense changes to strengthen the Equal Pay Act (EPA) so that it will be a more effective tool in combating gender-based pay discrimination. H.R. 1338 will close numerous loopholes in the 45-year old law that has enabled employers to evade liability. This important and historic legislation has 230 co-sponsors and will help end the discriminatory practice of paying men and women unequally for performing the same job.

Ensuring Equal Pay for Women in the Workplace

Although the wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, gender-based wage discrimination remains a problem for women in the U.S. workforce. According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. Women of color are worse off. African American women make 68 percent of men's earnings while Hispanic women make only 56 percent of men's earnings. The Institute of Women's Policy Research found that this wage disparity will cost women anywhere from \$400,000 to \$2 million over a lifetime in lost wages.

Summary of the Equal Pay Act of 1963

The EPA provides for "equal pay for equal work," and makes it unlawful for an employer to pay unequal wages to men and women who have substantially similar jobs that are performed under similar working conditions within the same physical location of business ('establishment'). Employers can justify unequal pay if it is based on: (1) seniority; (2) merit; (3) quality or quantity of production; or (4) "any factor other than sex." Historically, courts have interpreted the "any factor other than sex" criteria so broadly that it embraces an almost limitless number of factors, so long as they do not involve sex. The reason does not even have to be related to the job in question.

Summary of H.R. 1338, the Paycheck Fairness Act:

- **Clarifies the 'any factor other than sex' defense** so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based; is job related and necessary for the business.
- **Prohibits employers from retaliating** against employees who discuss or disclose salary information with their co-workers. However, employees such as HR personnel who have access to payroll information as part of their job would not be protected if they disclose the salaries of other workers.
- **Strengthens the remedies** available to include punitive and compensatory damages. Under the EPA currently, plaintiffs can only recover back pay and in some cases double back pay. The damages would not be capped.
- Requires the Department of Labor to **improve outreach and training efforts** to work with employers in order to eliminate pay disparities.

- **Enhances the collection of information on women and men's wages** in order to more fully explore the reasons for gender-based wage gap and to assist employers in their efforts to rectify pay disparities.
- Creates a new grant program to **help strengthen the negotiation skills** of girls and women.

Anticipated Amendments to H.R. 1338:

1. **Bean (IL):** Would strike Section 3(b), "Application of Provisions," from the bill. (10 minutes)
2. **Price, Tom (GA):** Would direct the Secretary of Labor to study and report back to Congress within 90 days the effect of the Equal Pay Act amendments contained in the bill (section 3) on employers' ability to recruit and hire employees regardless of gender; the effective date of these amendments is delayed pending the Secretary's report. If the Secretary finds that these amendments are likely to significantly hinder employers' ability to hire and recruit employees regardless of gender, they do not go into effect. (10 minutes)
3. **Altmire (PA):** Would delay the effective date of the bill by six months from the time of enactment. The amendment requires the Department of Labor to educate small businesses about what is required under law and to assist them with compliance. (10 minutes)
4. **Giffords (AZ):** Would clarify that a plaintiff must show intent (malice or reckless indifference) to recover punitive damages. (10 minutes)
5. **Cazayoux (LA):** Would clarify that nothing in the Paycheck Fairness Act would affect the obligation of employers and employees to fully comply with all the applicable immigration laws. (10 minutes)
6. **Flake (AZ):** Would prohibit the grant program created by the Paycheck Fairness Act from being used for Congressional earmarks. (10 minutes)

H.R. 6599 - The Military Construction and Veterans Affairs FY09 Appropriations Bill

The Military Construction and Veterans Affairs bill sends a clear message to America's service members and women, their families, and our veterans that we all appreciate and respect their service and sacrifice.

It builds upon the efforts of the last two years, as this Congress has made veterans its #1 priority. In 2007, Congress passed three separate appropriations bills that increased total funding for Veterans medical care by \$11.8 billion, so that they may receive the quality of care that they deserve. The emergency supplemental passed by the House last week continues those efforts with further

increases for VA medical care and rewarding those who serve by expanding the GI bill to provide a full, four-year college benefit to veterans of the Iraq and Afghanistan wars.

This year's bill builds on those accomplishments. It starts by rejecting the President's proposal to cut the Department of Veterans Affairs construction by \$788 million, so that the Department has the resources it needs to address buildings that have fallen into disrepair.

It goes on to address the critical needs facing veterans medical care as soldiers return from Iraq and Afghanistan, building on the historic increases provided last year by:

- Increasing enrollment of Priority 8 veterans by 10 percent, ensuring that we keep our commitment to all veterans
- Providing veterans with advanced prosthetics
- Making substantial increases to mental health and substance abuse

For active duty service members and their families, the bill provides \$336 million above the President's request for quality of life projects that will directly improve living conditions and health care delivery.

The subcommittee took its oversight responsibility seriously, holding 19 hearings and one briefing to examine the President's request.

Bill Totals:

2008 Enacted:	\$63.9 billion
President's Request:	\$69.3 billion
Committee Mark:	\$72.7 billion

MILITARY CONSTRUCTION: \$24.8 billion, \$400 million above the President's request and \$4.2 billion above 2008. The large increase is mostly due to the costs of implementing Base Realignment and Closure (BRAC) and plans to increase the size of the Army and Marine Corps.

Quality of Life Initiative: \$336 million, not requested by the President, to continue a quality of life initiative for troops and their families started in the 2008 supplemental including: nearly \$200 million for five new trainee and recruit housing facilities for the Army and Marine Corps to improve the barracks soldiers and marines live in when they train; and \$136 million for medical military construction and planning activities to upgrade substandard medical treatment facilities. For years, service members and their families have said that quality of life issues are their top priority, but they have been neglected by this Administration.

2005 Base Realignment and Closure (BRAC) and Re-stationing: \$9.1 billion, \$1.8 billion above 2008 and the same as the President's request, to implement base closures and realignments, and support the re-stationing of 70,000 troops and their families from overseas to the United States. The bill also funds planning for the eventual relocation of 8,000 marines and 9,000 dependents from Okinawa to Guam.

Growing the Force: \$5.6 billion in military construction and family housing, to support the Administration's program to increase the size of the Army by 65,000, the Marine Corps by 27,000, and the Guard and Reserve by 9,200 personnel.

1990 BRAC: \$473 million, \$178 million above 2008 and \$80 million above the President's request, to address an estimated \$3.5 billion backlog in needed environmental cleanup for bases that were closed during the four previous BRAC rounds as identified in most recent Defense Environmental Programs Annual Report.

Military Housing: \$3.2 billion, \$300 million above 2008, to further eliminate inadequate military housing.

DEPARTMENT OF VETERANS AFFAIRS: \$47.7 billion, \$4.6 billion above 2008 and \$2.9 billion over the President's request, for veterans' medical care, claims processors, and facility improvements.

Veterans Health Administration: \$40.8 billion, \$1.6 billion over the President's request and \$3.9 billion above 2008, for veterans' medical care. The Veterans Health Administration estimates they will treat more than 5.8 million patients in 2009 including more than 333,275 veterans of Iraq and Afghanistan (40,000 more than 2008).

- **Medical Services:** \$30.9 billion, \$1 billion above the President's request and \$2.8 billion above 2008, to improve access to medical services for all veterans:
 - **Increase Enrollment of Priority 8 Veterans:** \$400 million, not requested by the President, to start enrolling 10 percent of Priority 8 veterans. An estimated one-half of all uninsured veterans are Priority 8. Priority 8 veterans have not been enrolled since 2003 as part of an Administration effort to cut costs.
 - **Mental Health and Substance Abuse:** \$3.8 billion for specialty mental health care and \$584 million for substance abuse programs.
 - **Fee-Based Care:** \$200 million, not requested by the President and not funded in 2008, for fee-based services to improve access to care where VHA services are not available.
 - **Beneficiary Travel:** \$100 million above the President's request to increase the beneficiary travel reimbursement rate from 28.5 cents per mile to 41.5 cents per mile.
 - **Assistance for Homeless Vets:** \$130 million for the homeless grants and per diem program, rejecting the President's \$8 million cut and the same as 2008, including \$32 million to hire additional personnel for the HUD-Veterans Affairs Supportive Housing Program.
 - **New Generation Prosthetics:** \$1.6 billion, \$250 million above 2008 and \$116 million above the President's request, to provide

veterans with appropriate prosthetic support given recent advances in technology.

- **Medical Support and Compliance:** \$4.4 billion, \$144 million above the President's request and \$338 million above 2008, to ensure the efficient operation of the Department's health care system and to support plans to increase enrollment of Priority 8 veterans by 10 percent.
- **Medical Facilities:** \$5 billion, \$368 million above the President's request and \$769 million above 2008, including a \$300 million increase for on-going maintenance and renovations of existing facilities to address identified shortfalls and to ensure the Department's facilities remain capable of delivering world-class medicine. The Department currently estimates a maintenance backlog of over \$5 billion. Includes \$68 million to support plans to increase enrollment of Priority 8 veterans by 10 percent.
- **Medical and Prosthetic Research:** \$500 million, rejecting the President's \$38 million cut and \$20 million above 2008, for research to help improve the quality of life for injured and aging veterans. Restores the cuts to trauma and mental health research – important to veterans of Iraq and Afghanistan.

Major and Minor Construction: \$1.9 billion, rejecting the President's \$788 million cut and \$215 million above 2008, to fulfill the Department's commitment to fund recommendations made by the Capitol Asset Realignment for Enhanced Services (CARES), which was established to look at facilities and determine their construction needs. The increase in minor construction will enable the Department to complete 145 projects in fiscal year 2009.

Extended Care Facilities: \$165 million, rejecting the President's \$80 million cut and the same as 2008, for grants to States for construction and renovation of extended care facilities. The funding level will meet identified life/safety needs and still provide funding for construction of additional new facilities.

General Operating Expenses: \$1.8 billion, \$102 million above the President's request and \$197 million above 2008, to enable the Department to hire roughly 2,100 additional claims processors to work down the backlog of benefits claims and to reduce the time to process new claims. The most recent VA quarterly status report estimates that nearly 396,000 claims are pending which are 20,000 more than their goal.

Information Technology: \$2.5 billion, \$232 million above 2008 and \$50 million above the President's request, for an emergency fund to address critical unplanned needs at medical facilities.

Inspector General: \$87.8 million, rejecting the President's \$4 million cut and \$7.3 million above 2008, to provide additional personnel for oversight activities, including inspections of community based outpatient clinics and VA Centers.

RELATED AGENCIES

American Battle Monuments Commission: \$55.5 million, \$11 million above 2008 and \$8 million above the President's request. This funding provides for the care and operation of our military monuments and cemeteries around the world.

United States Court of Appeals for Veterans Claims: \$73.98 million, \$51 million above 2008 and \$50 million above the President's request, for the acquisition of a new facility for the Court.

Cemeterial Expenses: \$31.2 million, matching 2008 and the President's request, for Arlington cemetery.

Armed Forces Retirement Home: \$63 million from the Trust Fund, the same as the President's request, for operation and maintenance of the Armed Forces Retirement Home, including \$8 million for capital expenditures at the DC campus.

Quote of the Day

"Truth is the only safe ground to stand upon."

- Elizabeth Cady Stanton

The Office of the House Majority Whip | H-329 The Capitol |
Washington, DC 20515 | p. (202)226-3210 | f. (202)226-1115